

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting

April 27, 2006

A meeting of the Georgia Board of Chiropractic was held on Thursday, April 27, 2006, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D. C., Vice President Jackson C. Patterson, D. C. Patrick J. Sallarulo, D. C. David A. Wren, D. C.	Ajay Gohil, Board Attorney Anita O. Martin, Executive Director Eva Holmes, Board Secretary Hugh Stedman, Attorney Fred Gerretzen, D.C. Kari Dianich, D.C.

Karen Mathiak established that a quorum was present and the **Public Hearing** was called to order at 11:00 a.m. for Board Rules 100-1-.01, 100-1-.02, 100-2-.02, 100-2-.03, 100-2-.08, 100-4-.01, 100-5-.02. No public comments were made and the Public Hearing was adjourned at 11:05 a.m.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 11:10 a.m.

Consideration of Board Rule 100-1-.01, 100-1-.02, 100-2-.02, 100-2-.03, 100-2-.08 – Dr. Wren made a motion, Dr. Patterson seconded and the Board voted to adopt.

100-1-.01 Organization of Board.

The Georgia ~~State~~ Board of Chiropractic Examiners shall be composed of five practicing chiropractors, appointed by the Governor. The Board shall elect annually, a president and vice-president. Meetings of the Board are held at the ~~Capitol of the State in the first week of April and October of each year~~ Offices of the Secretary of State's Professional Licensing Boards Division. The public may obtain information or make submissions and requests ~~at the office of the Joint Secretary, State Examining Boards to the board through this office.~~

O.C.G.A. §§ 43-9-6.1(a) and (2), 43-9-12, and 43-1-25.

100-1-.02 Rules of Procedure.

All proceedings of the Board ~~shall~~ may be governed by Robert's Rules of Order.

O.C.G.A. §§ 43-9-6.1(a) and (2), 43-9-12, and 43-1-25

100-2-.02 License Renewal

(1) Every person who holds a valid license as a chiropractor ~~issued by the board~~ shall immediately upon issuance thereof be deemed ~~registered~~ licensed by with the Board, ~~and be issued a certificate of registration.~~ Said license shall expire on December 31 of the even numbered years and shall be renewable biennially in accordance with the Official Code of Georgia Annotated (Section 43-9-11). Any licensee whose business address changes must notify the Board in writing within fifteen days of that change of address. ~~Rule 100-2-.03~~

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(2) Applications for renewal received in the Board office within ninety (90) days after the renewal deadline shall be considered "late renewals" and shall be renewed upon the applicant's payment of the current renewal fee, his/her submission of the required continuing education hours, and the payment of the applicable penalty fee as ~~listed in Rule 100-11-.01, determined by the board.~~

(3) The ~~Joint Secretary~~ Division Director shall notify all expired licensees on April 1 following the deadline for renewal of the fact that they are practicing chiropractic in violation of the Georgia Chiropractic Practice Act.

(4) A list of all expired licensees shall be made public on or after April 1.

O.C.G.A. §§ 43-9-6.1(1) and (2), and 43-9-11.

100-2-.03 Change of Address.

Each licensed chiropractor shall file his/her business address with the ~~Joint Secretary Board~~ and notify ~~him~~ the same ~~in writing~~ of any changes of address within fifteen days of such change.

O.C.G.A. §§ 43-9-6.1(1) and (2), and 43-9-11.

100-2-.08 Inactive License.

(1) A Doctor of Chiropractic who holds a valid license to practice Chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:

(a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession. Said license shall be considered inactive.

(b) Shall not engage in the practice of Chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services.

(c) Shall not be required to obtain the necessary continuing education credits.

(d) Shall not be assessed a renewal fee for the period that the license is inactive.

(2) The practice of chiropractic with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

(3) Should a Doctor of Chiropractic holding an inactive license choose to return to active practice, the following requirements must be met:

(a) Submit evidence of attendance at ~~20~~ forty (40) hours of Board approved continuing education ~~for each year or portion thereof during which his/her license has been inactive. In no event will the required number of hours exceed 100 that must be completed prior to reactivation of the license within the last two (2) years.~~

(b) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.

(c) ~~An administrative fee of \$250 in addition to the applicable renewal fee for the period during which the license was inactive must be paid. A reactivation fee as established by the board must be submitted with the application for reactivation.~~

(4) After 5 years of continuous inactive status, the Board may, at its discretion require successful completion of the Special Purposes Examination for Chiropractic (SPEC).

O.C.G.A. §§ 43-9-6.1(1) and (2), and 43-1-22.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

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The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

Consideration of Board Rule 100-4-.01 and 100-5-.02 – Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted **not to adopt** these rules.

Default on repayment of Student Loan for Anthony Kritko – Dr. Wren moved that the Board suspends Anthony Kritko's license to practice as a/an Chiropractor, License No. CHIR005156, for failure to repay a student loan, and further move that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. Dr. Patterson seconded and **the Board voted to suspend.**

Correspondence from NBCE regarding Board of Directors Votes on by-laws issues – The Board members provided input to Dr. Mathiak concerning votes at the NBCE & FCLB.

Correspondence from Ajay Gohil regarding Power Poll Request from GA. – Dr. Sallarulo will work to gather further information concerning MUA and advise the Board as to the issue. The Executive Director will also get a copy of the rule from the Missouri State Board.

Correspondence from Craig Castanet, D.C. regarding CPT codes 95904, 97750, and 95851 – Dr. Wren motioned and Dr. Patterson seconded and the Board voted to send a "no legal letter" to Dr. Castanet.

Correspondence from Care-More Chiropractic Center regarding CPT code 98940 – Dr. Sallarulo made the motion and Dr. Wren seconded and the board voted to send a letter that this code falls within the scope of practice for chiropractic practice in the state of Georgia.

Correspondence from Bill Hutchinson regarding Scope of Practice and CPT code 97112. – Board response: Dr. Patterson motioned, Dr. Sallarulo motioned and the Board voted to notify Mr. Hutchinson and Robert Cloyd that this service does qualify within the scope of practice of chiropractic if performed on the premises of a chiropractic clinic and under the supervision of a D.C. This code is not eligible for insurance reimbursement if performed outside of those conditions.

Licenses to Ratify. – Dr. Wren made the motion and Dr. Sallarulo seconded and the Board voted to approve.

License#	Name	Profession	Status	Issue Date
CHIR007973	Sinclair, Jr., Steve M.	Chiropractor	Active	1/31/2006
CHIR007974	Weeden, Dennitra Genay	Chiropractor	Active	2/3/2006
CHIR007975	Dadas, Evan John	Chiropractor	Active	2/7/2006

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CHIR007976	Daley, Michael Patrick	Chiropractor	Active	2/7/2006
CHIR007977	Suynov, Mazal Jennifer	Chiropractor	Active	2/8/2006
CHIR007978	Lupo, Tarrin Patrick	Chiropractor	Active	2/9/2006
CHIR007979	Evans, Troy DeVon	Chiropractor	Active	2/13/2006
CHIR007980	McCollum, Shanna Ahishi	Chiropractor	Active	2/14/2006
CHIR007981	Tucker, Stephanie Lynn	Chiropractor	Active	2/14/2006
CHIR007982	Black, Tina Roxanne	Chiropractor	Active	2/17/2006
CHIR007983	Jones, Corron Jermell	Chiropractor	Active	2/17/2006
CHIR007984	Bass, Richard W	Chiropractor	Active	2/17/2006
CHIR007985	Newman, Jason Lee	Chiropractor	Active	2/17/2006
CHIR007986	Portillo, Robert A.	Chiropractor	Active	2/21/2006
CHIR007987	Powell, Kerith H	Chiropractor	Active	2/21/2006
CHIR007988	Ohazuruike, Ogechi Guinness	Chiropractor	Active	2/22/2006
CHIR007989	Lampa, Marc F.	Chiropractor	Active	2/23/2006
CHIR007990	Barbary, Nicole Melody	Chiropractor	Active	2/28/2006
CHIR007991	Titus, Todd M.	Chiropractor	Active	2/28/2006
CHIR007992	Chang, Seong Kil	Chiropractor	Active	3/1/2006
CHIR007993	Casanova, Brett L.	Chiropractor	Active	3/7/2006
CHIR007994	Haight, Michael David	Chiropractor	Active	3/8/2006
CHIR007995	Wong, Alwyn Patrick	Chiropractor	Active	3/8/2006
CHIR007996	Kilgore, Kenneth W.	Chiropractor	Active	3/13/2006
CHIR007997	Winters, Margaret	Chiropractor	Active	3/20/2006
CHIR007998	Lamantia, Marc John	Chiropractor	Active	3/21/2006
CHIR007999	Hamilton, Lolethia	Chiropractor	Active	3/24/2006
CHIR008000	Coleman, Zeudiann Latoya	Chiropractor	Active	3/24/2006
CHIR008001	Futral, David Charles	Chiropractor	Active	3/28/2006
CHIR008002	Cefalu, Andrew Joseph	Chiropractor	Active	4/3/2006
CHIR008003	Peyroux, David M	Chiropractor	Active	4/3/2006

Correspondence from NBCE regarding practical examination test committee meeting in June 2006 – Dr. Mathiak is considering attending.

Correspondence from Kevin W. Harwood D.C. regarding his physical inability to attend CE seminars in 2003, 2004, and 2005. – Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to notify Dr. Harwood that the Board stands by the previous decision.

Correspondence from Dr. Marie N. Soracco requesting to have record expunged – Dr. Wren made a motion and Dr. Sallarulo seconded and the Board voted to approve expunging of section 3 of the findings of fact on docket #90-0267.

Correspondence from Dr. Andrew L. Sokol requesting to terminate probation. – Dr. Patterson motioned and Dr. Wren seconded and the Board voted to approve once proof of meeting the conditions of the consent order have been submitted. If unable to provide, the issue will have to come back before the Board for failure to meet the conditions of the consent order.

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Correspondence from Dr. Marc D' Andrea requesting to have record expunged. – Dr. Sallarulo made a motion, Dr. Patterson seconded and the Board voted to approve expunging portions of section 2 of the findings of fact on docket #94-686.

Minutes from the February 16, 2006 meeting: Dr. Sallarulo a motion, and Dr. Patterson seconded and the Board voted to **approve** the minutes as amended.

Minutes from the March 14, 2006 conference call meeting. Dr. Sallarulo made a motion, and Dr. Wren seconded and the Board voted to **approve** the minutes.

Correspondence from A.A. requesting a written response concerning his reinstatement denial. – Dr. Wren motioned – Dr. Patterson seconded and the Board voted to **approve** reinstatement under a public consent order to include \$500 fine, 2 years probation and NBCE Ethics & Boundaries to be taken within one year.

Correspondence from Dr. Michael Roth regarding the ability to access and dispense nutritional products under an inactive license – Dr. Patterson made a motion, Dr. Sallarulo seconded and the Board voted to notify Dr. Roth that Georgia Law does not require a license to sell nutritional supplements.

Considered posting Board Rule 100-2-.09 – Reinstatement of Expired Licenses – Dr. Wren made the motion, Dr. Sallarulo seconded and the Board voted to post.

100-2-.09 Reinstatement of Expired Licenses.

~~(1) A chiropractic license which has not been reinstated within ninety (90) days of its expiration date as prescribed in 100-2-.02 above, shall be administratively revoked for failure to renew. Such failure to renew shall have the same force and effect as a revocation of said license as provided in O.C.G.A. 43-1-19 (1). Licenses that have been administratively revoked for failure to renew must be reinstated by the Board. A minimum of two (2) years shall pass from the date of any revocation of a license before the Board will consider an application for reinstatement. If the Board denies any application for reinstatement, the Board may require that a minimum of two (2) years pass from the date of the denial before the Board will consider subsequent applications for reinstatement. This rule shall only apply in those instances which the license in question was revoked for reasons other than failure to renew.~~

~~(2) For purposes of this regulation, the administrative revocation of a license for failure to renew shall not be treated as a disciplinary action or contested case.~~

~~(3) Applicants who apply for reinstatement after the renewal deadline may be reinstated~~

~~at the discretion of the Board. In order to reinstate a license to practice chiropractic, an applicant must complete an application and pay a reinstatement fee. The applicant must submit a detailed resume of such licensee's chiropractic experience since the date said license was last renewed and in good standing.~~

~~(4) Applicants who apply for reinstatement three (3) years or more after the renewal deadline shall be required, before reinstatement of said license, to submit a detailed resume of such licensee's chiropractic experience since the date said license was renewed and in good standing. If the chiropractor has been practicing outside of Georgia, the Board must receive a statement from a recognized licensing jurisdiction~~

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regarding the state of licensure in such locale. ~~Such applicants must meet all requirements set forth for applicants for reinstatement who apply after the renewal deadline, and together with the application, the Board may require proof of having successfully passed the Special Purposes Examination for Chiropractic developed and administered by the National Board of Chiropractic Examiners no earlier than 24 months prior to date of application.~~

(5) ~~Upon evaluation of such information, the Board may reinstate said license, or at its discretion condition reinstatement of said license upon conditions acceptable to the Board. The applicant must demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill and proficiency in the practice of chiropractic and that he or she is mentally and physically able to practice with reasonable skill and safety.~~

(6) The Board may require the passage of an examination, such as the Special Purposes Examination for Chiropractic administered by the National Board of Chiropractic Examiners or other assessments as designated and approved by the Board.

(7) Reinstatement of a license is at the Board's discretion. The Board may deny reinstatement but the applicant shall be entitled to an appearance before the Board.
O.C.G.A. _____

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

Cases on E.T. & C.T. (CHIR060058 & CHIR060121) – Dr. Patterson made a motion. Dr. Wren seconded and the Board voted to forward these cases to Ajay Gohil for Voluntary Surrenders.

Executive Directors Report

1. Dr. Wren made the motion and Dr. Sallarulo seconded. The Board voted to release the application on John Dericco, D.C.
2. Executive Director will contact the GCA & GCC to have them run renewal reminders in their newsletter. Also query as to whether or not she could attend Fall Conferences to assist with renewals.

Dr. Patterson made a motion, Dr. Wren seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2) and § 43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion was Dr. Sallarulo. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

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Correspondence from Minnesota Board of Chiropractic Examiners relating to complaints filed against M.C., A.B., and G.K. – The Board voted to open complaints and request investigative files from Minnesota. Once received – send to cognizant for review.

Investigative Interviews

- **F.G., D.C.** – The Board recommended a Public Consent Order, \$2500 fine, eight hours CE in risk management (not on-line), and three years probation.
- **L.D., D.C.** – The Board recommended a Public Consent Order, \$1000 fine, Ethics & Boundaries to be taken within one year, and one year probation.
- **R.R., D.C.** – The Board recommended to gather further information – Contact Alabama Licensing Board & Gadsen College to determine why he was dismissed.
- **L.D., D.C.** – The Board recommended to request all patient records on this case and request copy of e-mail from complainant.

Appeal Appointments

- **D.H.** – Denial appointment – The Board recommended to approve.
- **S.N.T.** – Denial appointment – The Board recommended to approve.

Applications

- **D.B.T. – Endorsement applicant requesting approval for licensure** – The Board recommended to notify that OCGA 43-9-7(d) does not allow licensure consideration.
- **N.E.G. – Reinstatement applicant** – The Board recommended to approve.
- **C.A.G. – Applicant requesting approval for licensure** – The Board recommended to run a GCIC, and if the two issues that were provided are the only two – approve. If not, take back to the Board.
- **K.L.D. – Reinstatement applicant** – The Board recommended to rescind prior consent order and issue new order removing required Ethics & Boundaries Exam offered by the NBCE, and to add four hours of CE in Georgia Law. Also the twenty hours of CE required for 2006 renewal period cannot be completed on-line. Accept amended order upon receipt.

Consent Agreements

1. **Khaled Mhmoud Abouhaif, D.C.** – The Board recommended to accept consent order after removing section (d) on page 3 and docket.
2. **Benjamin Mitchell, D.C.** – The Board recommended to accept consent order.
3. **Lori Ugolik, D.C.** – The Board recommended to accept voluntary surrender.
4. **P.G.V., D.C.** – The Board recommended to accept private consent order.

Complaints and Disciplinary

06-0063 – Recommend_Close – No violation

05-0006 – Recommend_Close – No violation

06-0073 – Recommend Send to enforcement to serve C&D & refer for local prosecution

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- 06-0086** – Recommend_Send to enforcement to serve C&D & refer for local prosecution
- 05-0061** – Recommend Closed – No violation
- 04-0025** – Recommend_Close – No violation
- 06-0016** – Recommend_Send to Ajay to issue an OMPE
- 06-0057** – Recommend Public CO for violation of advertising rules/\$500 fine/1 yr probation/NBCE Ethics & Boundaries within 1 year.
- 06-0074** – Recommend Send to enforcement to serve C&D & refer for local prosecution
- 06-0069** – Recommend Schedule for Investigative Interview & have D.C. bring patient records including billing records. Send to Enforcement to interview patient and ask specifically:
- How were your visits different pre & post accident?
 - How long did your visits take?
 - Did you receive all of the services for which you were billed?
- 06-0081** – Recommend_Close – Not within the board's jurisdiction
- 06-0067** – Recommend Close with letter of concern re: expectation of professional behavior
- 06-0070** – Recommend Close – Not within the board's jurisdiction
- 06-0008** – Recommend_Schedule for Investigative Interview
- 06-0060** – Recommend Close with letter of concern & recommend that he have an attendant in the room when treating female patients. Also voiced concern about over-utilization of modalities?
- 06-0083** – Recommend Contact FL Board & get copy of Investigative file for cognizant review.
- 06-0073** – Recommend Send to enforcement to serve C&D & refer for local prosecution. Also, schedule investigative interview
- 06-0084** – Recommend Send to Enforcement o subpoena patient billing records from Insurance Company.
- 06-0093** – Recommend Close – No violation

Executive Director's Report

- **Correspondence from Charlene Portee, President of the PT Board relating to T.B.** – Viewed as informational.
- **Dr. F.J.M. – Requesting to terminate probation.** – The Board recommended to approve.

Dr. Patterson made a motion and Wren seconded and the Board voted to **approve** the recommendations made in Executive Session

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Other Business

- Dr. Sallarulo made a motion and Dr. Patterson seconded and the Board voted to begin meetings @ 9:00.
- Dr. Anchors has tendered his resignation with the Governor's Office effective April 28, 2006; therefore, elections for officers were held. Dr. Wren made a motion and Dr. Patterson seconded to elect:
 - Dr. Mathiak, President
 - Dr. Sallarulo, Vice-President

There being no further business to come before the Board, the meeting was adjourned at 5:10 pm on April 27, 2006.

The next meeting is scheduled for June 22, 2006 at 9:00am.

Minutes prepared by: Eva Holmes, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director